

(Draft - Awaiting Formal Approval)

**MINUTES OF THE
JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, September 16, 2009 – 2:00 p.m. – Room 30 House Building

Members Present:

Sen. Jon J. Greiner, Senate Chair
Rep. Douglas C. Aagard, House Cochair
Rep. Lorie D. Fowlke, House Cochair
Sen. D. Chris Butters
Sen. Scott D. McCoy
Rep. Sheryl L. Allen
Rep. Trisha S. Beck
Rep. Jim Bird
Rep. Richard A. Greenwood
Rep. Keith Grover
Rep. Don L. Ipson
Rep. Brian S. King
Rep. Rebecca D. Lockhart
Rep. Kay L. McIff
Rep. Curtis Oda
Rep. Jennifer M. Seelig

Rep. Mark A. Wheatley
Rep. Larry B. Wiley
Rep. Carl Wimmer

Members Absent:

Sen. Lyle W. Hillyard
Sen. Ross I. Romero
President Michael G. Waddoups
Rep. Eric K. Hutchings

Staff Present:

Jerry D. Howe, Policy Analyst
Stewart E. Smith, Policy Analyst
Susan Creager Allred, Associate General Counsel
Esther D. Chelsea-McCarty, Associate General Counsel
Amanda K. Majers, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Fowlke called the meeting to order at 2:21 p.m. Sen. Romero and Rep. Hutchings were excused from the meeting. Chair Fowlke directed committee members to a report, "2009 Report to the Law Enforcement and Criminal Justice Interim Committee From the State Emergency Medical Services Committee As Required by 26-8a-103(4)," which was distributed to the Committee prior to the meeting. She informed the Committee that representatives from the State Emergency Medical Services Committee were available to answer questions concerning the written report.

MOTION: Rep. Ipson moved to approve the minutes of the August 19, 2009 meeting. The motion passed unanimously with Sen. McCoy, Rep. Grover, and Rep. Wimmer absent for the vote.

2. A Performance Audit of the Conversion of Justice Courts to CORIS

Mr. Darin Underwood, Audit Manager, Office of the Legislative Auditor General, briefly described the performance audit of the conversion of justice courts to the Court Records Information System (CORIS).

Ms. Deanna Herring, Audit Supervisor, Office of the Legislative Auditor General, distributed and discussed "Report to the Utah Legislature Number 2009-14: A Performance Audit of the Conversion of Justice Courts to CORIS."

Mr. Underwood and Ms. Herring answered questions from the Committee.

3. Amount and Use of Concealed Weapons Fees

Lt. Douglas Anderson, Program Manager, Bureau of Criminal Identification, and Ms. Alice Erickson, Director, Bureau of Criminal Identification, distributed and discussed "Concealed Firearm Permits (CFP)

Fact Sheet - September 16, 2009: Utah Bureau of Criminal Identification, Department of Public Safety" and "Bureau of Criminal Identification: Revenue Impact By Fund and Source FY2009."

Lt. Anderson answered questions from the Committee.

4. Constables Amendments

Rep. Oda distributed and discussed a letter from Mr. Chris Hillman, Clearfield City Manager, to Mr. Steve Brooks, Riverdale City Attorney. He also discussed 2010 General Session draft legislation, "Constables Amendments," which was distributed to the Committee prior to the meeting.

Mr. Brian Brower, Clearfield City Attorney, spoke in favor of the draft legislation.

MOTION: Rep. Oda moved to adopt favorably 2010 General Session draft legislation, "Constables Amendments," as a committee bill. The motion passed unanimously with Sen. McCoy, Rep. Grover, and Rep. Wimmer absent for the vote.

5. Drug Law Amendments

Rep. Beck discussed 2010 General Session draft legislation, "Drug Law Amendments," which was distributed prior to the meeting. She informed the Committee that the draft legislation passed out of the Health and Human Services Interim Committee as a committee bill, but it was amended to only schedule Soma (Carisoprodol) as a controlled substance.

Rep. Aagard inquired why the Health and Human Services Interim Committee removed Ultram (Tramadol) from the draft legislation.

Rep. Beck and Mr. Chad Platt, Deputy District Attorney, Salt Lake County District Attorney's Office, answered that because there are only two or three states that have scheduled Ultram as a controlled substance, as opposed to seventeen that have scheduled Soma, the Health and Human Services Interim Committee felt there was a more pressing need to schedule Soma and a need to study further whether Ultram should become a controlled substance.

Rep. Bird recommended the Committee not adopt this version of the draft legislation because it would be in conflict with the version adopted by the Health and Human Services Interim Committee.

MOTION: Rep. Beck moved to adopt favorably 2010 General Session draft legislation, "Drug Law Amendments," as a committee bill.

Mr. Dave Davis, General Counsel, Utah Retail Merchants and Food Industry Association, spoke in opposition to the draft legislation. He stated that there needs to be further study to make a recommendation as to whether Ultram should be scheduled as a controlled substance.

SUBSTITUTE MOTION: Sen. Buttars moved to move to the next agenda item. The motion passed with Rep. Beck voting in opposition. Sen. McCoy and Rep. Oda were absent for the vote.

6. Evidence-based Sentencing

Judge Paul G. Maughan advocated changing the sentencing practices in Utah for felony offences. He stated evidence-based sentencing would reduce recidivism, victimization, and the number of days individuals spend in prison, which would lead to a decrease in expenses for the correction system and the community.

Judge Maughan and Ms. Debra Moore, Administrative Office of the Courts, answered questions from the Committee.

Dr. Moisés Próspero, Research Director, Utah Criminal Justice Center, spoke concerning evidence-based sentencing. He gave a presentation entitled, "Cost-Benefit Analysis of Correctional Interventions: National & State Findings."

Dr. Próspero and Ms. Debra Moore answered questions from the Committee.

Ms. Jacey Skinner, Director, Utah Sentencing Commission, spoke in favor of evidence-based sentencing. She mentioned that a balance needs to be achieved between rehabilitation and recidivism. Ms. Skinner informed the Committee of the purpose and goals of the Utah Sentencing Commission.

7. Reports

A. Mandatory Education Course for Divorcing Parents

Mr. Rick Schwermer, Administrative Office of the Courts, distributed and discussed a memorandum from Ms. Polly Schnaper, Divorce Education Manager, to the Judiciary, Law Enforcement, and Criminal Justice Interim Committee.

B. Expedited Parent-time Enforcement

Mr. Schwermer distributed and discussed "Utah's Third District Co-parenting Mediation Program: Report to the Utah State Legislature."

8. Parent-time Amendments

Rep. Fowlke distributed and discussed 2010 General Session draft legislation, "Parent-time Amendments."

Chair Fowlke turned the chair over to Sen. Greiner.

Rep. Fowlke answered questions from the Committee.

MOTION: Rep. King moved to adopt favorably 2010 General Session draft legislation, "Parent-time Amendments," as a committee bill. The motion passed unanimously, with Sen. McCoy, Rep. Greenwood, Rep. Grover, Rep. Ipson, Rep. Lockhart, Rep. Oda, and Rep. Wimmer absent for the vote.

The chair was returned to Rep. Fowlke.

9. Other Business / Adjourn

MOTION: Rep. Allen moved to adjourn the meeting. The motion passed unanimously, with Sen. McCoy, Rep. Greenwood, Rep. Grover, Rep. Ipson, Rep. Lockhart, Rep. Oda, and Rep. Wimmer absent for the vote.

Chair Fowlke adjourned the meeting at 4:45 p.m.